

Notice of Allowability

Application No.

10/729,757

Examiner

Ginger T. Chapman

Applicant(s)

POWERS ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 28 May 2006.
2. ☒ The allowed claim(s) is/are 59 and 61-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for Allowance

Claims 59 and 61-70 are allowed.

The following is an examiner's statement of reasons for allowance:

With regard to independent claim 59:

The closest prior art of record discloses the following elements:

US Patent 5,927,548 issued to Villaveces: teaches a dispenser having attachment means such that it can be worn on a pants-belt, wherein dispensing means comprises a single pathway for both air flow and fluid flow, and further comprises priming the dispenser by means of a plunger and a spring biased plate abutting against the bottom of a cartridge containing a solution to be dispensed. The spring-biased plate is biased upwardly by a compression spring such that when the plunger is released the plunger is urged upwardly by the spring thereby creating a partial vacuum into a single passageway thereby sucking up the solution into the cartridge, the solution is then dispensed through the passageway the next time the plunger is depressed. Villaveces does not teach a separate pathway for the regulation of air as a working fluid for dispensing of solution, and a separate pathway for fluid flow of the solution being dispensed. Villaveces does not teach valved one-way fluid flow control means.

US Re 35,187 issued to Gortz: teaches a dispenser which generates its own positive pressure from a prestressed internal elastomeric bladder having passages through a bottom portion of a mandrel thereby allowing fluid communication with a fill port comprising a one-way valve means for one way flow during the filling operation of the dispenser during manufacture. Dispensing means comprises a flow path created by means of a spray head pressed downward against a stem, thereby forcing the stem to move axially to overcome the tension of the spring

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thereby creating a flow path past a sealing gasket into a cup member up the stem and out of the spray head. Gortz does not teach attachment means such that the dispenser can be worn by the user and does not teach a separate pathway for airflow introduction as a working fluid for dispensing of solution, and a separate pathway for fluid flow of the solution being dispensed.

While the prior art of record discloses various elements of attachment means and dispensing means, none disclose or fairly suggest a squeeze actuated dispenser including attachment means such that the dispenser is adapted to be worn on the body of the user of the device and the dispenser further including a reservoir containing dispensing solution in combination with flow control means comprising separate pathways for fluid flow and for air flow in combination with valved one-way flow control thus preventing flow of solution from dispenser when not actuated, i.e. preventing leakage, thereby providing a cleaner dispenser, and thereby regulating air flow into and from within the device such that said air flow serves as a working fluid for dispensing of solution thus facilitating dispensing of viscous fluids when the device is oriented "upside down" by the wearer or worn at otherwise arbitrary orientations with respect to gravity.

These features render the claimed invention non-obvious over the prior art of record. Claims 61-70 are allowable as being dependent from independent claim 59.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman
Examiner, Art Unit 3761
06/19/06



TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

